

### **REMARKS**

Claims 1-17 are pending in this application. New claims 18-27 are added herein. Claims 1, 5, 8-10, 16 and 17 are herein amended. The Specification has been amended. No new matter has been added by this Amendment. Applicants respectfully request reconsideration of this application in view of the foregoing amendment and following remarks.

### **New Claim to Priority**

Applicants have herein amended the specification to claim priority under 35 U.S.C. § 120 to the Yonezawa patent. In accordance with the requirements for a claim to priority under 35 U.S.C. § 120, 37 CFR § 1.78 and in the MPEP § 201.11, Applicants submit that:

(A) the Yonezawa patent and the instant application disclose common subject matter in accordance with 35 U.S.C. § 112;

(B) the Yonezawa patent and the instant application were co-pending applications prior to the issuance of Yonezawa (Yonezawa filed April 22, 1997, issued April 1, 2003; above-referenced application filed July 27, 2000);

(C) the above-referenced application's specification has been amended herein to explicitly claim such a benefit; and

(D) the Yonezawa patent and the instant application have at least one common inventor.<sup>1</sup>

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<sup>1</sup> Applicants note that in accordance with 37 CFR § 1.78(a)(2)(ii)(B), the above-referenced application is not subject to the time-constraints for requesting a claim for priority under The American Inventors Protection Act of 1999.

**Rejection under 35 U.S.C. §102**

In the Office Action, claims 1-17 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,542,191 to Yonezawa ("Yonezawa"). Applicants respectfully submit that the § 102(e) rejection based on Yonezawa has been rendered moot, in view of the above priority claim.

Accordingly, Applicants believe that the application is in condition for allowance and such action is respectfully requested.

### CONCLUSION

In view of the foregoing, Applicant respectfully requests reconsideration and allowance of this application. In the event that a telephone conference would facilitate prosecution, the Examiner is invited to contact the undersigned at the number provided.


Applicant believes no fee nor extension of time is required for this filing. However, should an extension of time be necessary to render this filing timely, such extension is hereby petitioned and the Commissioner is hereby authorized to charge any additional fees which may be required for this paper, or credit any overpayment, to Deposit Account No. 13-4500, Order No. 1232-4638.

### AUTHORIZATION

No petitions or additional fees are believed due for this amendment and/or any accompanying submissions. However, to the extent that any additional fees are required, Applicants hereby authorizes the Commissioner to charge any additional fees, or credit any overpayment to Deposit Account No. 13-4500 (Order No. 1232-4638). **A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.**

Respectfully submitted,  
MORGAN & FINNEGAN LLP

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By:   
Daniel C. Sheridan  
Registration No. 53,585

CORRESPONDENCE ADDRESS:  
MORGAN & FINNEGAN L.L.P.  
345 Park Avenue  
New York, New York 10154  
(212) 758-4800